

E-filing

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983

Name CRUZ, RAYMOND T.
 (Last) (First) (Initial)

Prisoner Number H-42586Institutional Address SALINAS VALLEY STATE PRISONP.O. Box 1050/A3-126, Soledad, CA. 93960UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAYMOND T. CRUZ
 (Enter the full name of plaintiff in this action.)

CV 08

1788

vs.

Case No. _____
 (To be provided by the clerk of court)

DR. KASAWA; DR. MACK; NURSEORMAN; NURSE "DAVE"; % G. LUNA;% MUNGA; % FRISK; % MACIEL; Sgt.

GALLOWAY; 10 John Doe %s; 10 John Doe Rals
 (Enter the full name of the defendant(s) in this action))

COMPLAINT UNDER THE
 CIVIL RIGHTS ACT,
 42 U.S.C §§ 1983

CW

(PR)

[All questions on this complaint form must be answered in order for your action to proceed.]

I. Exhaustion of Administrative Remedies

[Note: You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

A. Place of present confinement SALINAS VALLEY STATE PRISON

B. Is there a grievance procedure in this institution?

YES ☒ NO ()

C. Did you present the facts in your complaint for review through the grievance procedure?

YES ☒ NO ()

D. If your answer is YES, list the appeal number and the date and result of the

COMPLAINT

appeal at each level of review. If you did not pursue a certain level of appeal, explain why.

1. Informal appeal BY PASSED

2. First formal level WAS SENT TO FIRST LEVEL AND WAS GIVEN A 4/8/08

DUE DATE AND THEN IT WAS SENT BACK STATING TIME CONSTRAINT NOT MET AND LIMIT OF 1 page front & back and WAS NOT ALLOWED TO GO ANY FURTHER. (SEE ATTACHED)

3. Second formal level _____

4 Third formal level _____

E. Is the last level to which you appealed the highest level of appeal available to you?

YES ☒ NO ()

F. If you did not present your claim for review through the grievance procedure, explain why. WAS NOT ALLOWED BY APPEALS COORDINATOR

II. Parties

A. Write your name and your present address. Do the same for additional plaintiffs, if any.

RAYMOND T. CRUZ, H-42586, SALINAS VALLEY STATE PRISON,

P.O. Box 10530/A3-126L, Seledad, Ca. 93960

B. Write the full name of each defendant, his or her official position, and his or her

place of employment.

Correctional Officer (C/O) G. Luna, "A" Facility Medical Clinic; C/O MUNGA, C/O FRISK, C/O MACIEL at the time were BUILDING OFFICERS in "A" Facility Building 2. Dr. KASAWA, Dr. MACK, Nurse ORMAN, Nurse "DAVE", Does 1-10 C/Os and Does 1-10 Nurses worked at "A" Facility and "D" Facility AT SALINAS VALLEY STATE PRISON.

III.

Statement of Claim

State here as briefly as possible the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

I

Plaintiff had been and still is suffering from Degenerative Disc disease of a Chronic state. Plaintiff was receiving 105 miligrams of morphine for pain and 1800 miligrams of Gabapentin for a seizure disorder. Plaintiff was also diagnosed with a pinched nerve that affected his right leg.

Approximately in August, 2007 all my pain medication and seizure medication was discontinued by Dr. KASAWA because nurse Orman told him that plaintiff was throwing his medication away. It should be noted that plaintiff had never been written a disciplinary report (CDC-115) for this alleged act. Nurse Orman and nurse "DAVE" spoke with Dr. KASAWA and as a result all my medication was discontinued. This was done due to all my 602 appeals I filed against Medical Staff.

continued on
Supplemental

IV. Relief

Your complaint cannot go forward unless you request specific relief. State briefly exactly what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

II

As a result of Dr. Kasawa's actions, plaintiff went through a lot of pain in this back area to the point of making plaintiff cry. Plaintiff also suffered serious withdrawals because plaintiff was not detoxed from his medication. Plaintiff also suffered seizures, hurting his head on several occasions which were not documented by medical staff, claiming plaintiff was probably faking. Nurse "Dave" told Dr. Kasawa that plaintiff was faking his injuries in spite of all the documentation in plaintiff's medical file by specialists in their field.

On 9/12/08, plaintiff was walking with his inmate associate on the yard "A" facility with his cane. At approximately 1:30 pm, plaintiff started to feel pain in his back to the point where his legs were giving in on him. Plaintiff asked his friend to help him over to the "A" facility medical clinic and advised G. Luna that he would like to talk to the doctor or nurse about the pain that plaintiff was experiencing. A nurse came out (she had no name tag visible) and plaintiff told her he needed to see the doctor right away cause he felt as though he was going to fall down from the pain. The nurse stated, "Are you threatening me?!" Plaintiff asked her how was that a threat? and she walked away. The pain was so bad plaintiff had to sit down, but the pressure from sitting down was worse on his lower back, so plaintiff had to lay on his side on the floor. Plaintiff was allowed to lay in pain for (2) two hours on the concrete floor of the yard without anything being done. After the yard was called in at its regular time, I was verbally attacked by custody staff saying things like "you don't have any balls", female custodial staff stated, "I've got more balls than you". Statements made by nurse "Dave" were, "He's faking this, there's nothing wrong with him."

Dr Kasawa came over and order an intramuscula shot of unknown substance to plaintiff which did not alleviate the pain in any way. Then two c/o's, one being c/o G. Luna, the other unknown to plaintiff attempted to pick up the plaintiff by the arms which was so painful it made the plaintiff scream and cry. c/o G. Luna then grabbed plaintiff by himself and tried to lift him and dropped plaintiff hard on his rear and back. He then grabbed plaintiff again by the front and rear of his pants and lifted him roughly, breaking plaintiff's glasses and throwing him hard in a wheel chair and rolled him back to his cell (A2-1021) and did not assist him out of the wheel chair. I was told I would be written up for manipulation of staff, this was to cover up their treatment of plaintiff.

III

Plaintiff was given a (3) Three day lay-in to be fed in in his cell, but plaintiff was not fed at all by c/o's Munga, Maciel, and Frisk from 9/12/07 to 9/24/07. All c/o's knew that plaintiff had not eaten on each of those days because plaintiff told each of them.

Plaintiff's glycoma medication was withheld for more than (2) two weeks after requests for medication. On 9/14/07 I was not given medication because I couldn't get out of bed due to so much pain and going through withdrawals. (Time: 5:45 PM)

IV

On 9/16/07, plaintiff experienced chest pains and used last of nitro pills and notified custody at 2:45 pm and it took medical staff to respond until 3:30 pm because medical John Does stated they waited until all the inmates were put away that were on the yard.

On 9/17/07, plaintiff wrote an ADA appeal and sent it out in the mail requesting a wheel chair, but plaintiff received a response.

Plaintiff saw Dr. Mack in the "A" yard Medical Clinic but he only ordered my glycoma medication and ignored plaintiff's complaints abouts not eating in (6) SIX days and the severe pain plaintiff was experiencing. On 9/19/07 plaintiff was refused his medication because of severe pain and couldn't walk to the door. On 9/20/07, plaintiff sent an "emergency" appeal about not being fed and no way to the dining hall, but a notice was received stating that there was a due date of 10/10/07.

On 9/24/07, plaintiff complained to medical staff that he was not eating because custody said I needed a lay in and c/o Maciel said in a threatening manner, "you want to play that invalid roll with me huh!" I tried to go to the dayroom and fell down because of my pain. Plaintiff was not examined by the doctor (KASAWA) but would be seen in two days. Plaintiff told Dr. Kasawa that the medication he had

ordered was not helping his severe pain, but Dr. KASAWA did nothing. Plaintiff asked to see another Dr., but that was denied by him.

Plaintiff was on a gurney that was placed on a table in the "A" yard Medical Clinic, and plaintiff was removed from the gurney by the clinic porter, who hurt plaintiff even further in the presence of Dr. KASAWA and Dr. Mack. Plaintiff's days and nights very bad due to the severe pain. It should be noted that plaintiff sustained his life with candy sweets he had in his cell.

IV

On 9/26/07, plaintiff was put in administrative segregation for possession of a weapon that was found in his cellmate's property. Custody staff was so angry at plaintiff, he was found guilty of the offense, although reversed on appeal.

When plaintiff was received in ad/seg he was placed on a property cart to move him from a cage to his assigned cell. Plaintiff was made fun of by custody because he could not walk fast due to the severe pain, plaintiff almost crawled to get around. Once in a while he was move by wheel chair.

V

On 9/27/07 he was allowed to shower

in ad/seg and was placed in a plastic chair that gave in and injured himself and was not sent to see a doctor. by John Doe c/o s. On 9/29/07 plaintiff was allowed to be showered again. Plaintiff asked AD/SEGS John Doe's c/o s if the shower chair had been changed, the c/o s assured plaintiff that the chair was OK to shower on. When plaintiff sat on the plastic chair, the chair gave in and plaintiff injured himself again. This time plaintiff had to be seen by a doctor at Central Treatment Center (C.T.C.) Plaintiff saw a Dr. Lee, who ordered 30 milligrams of Morphine 3 X's a day and 1200 milligrams of Gabapentin 3 X's a day. The morphine was given but not the gabapentin.

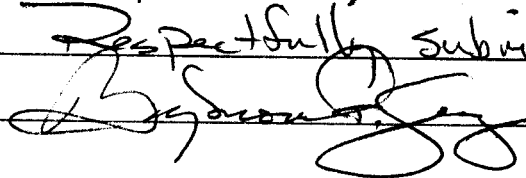
It was only when the prison LAW OFFICE got involved the Attorney General regarding the PLATA violations, that notified Dr Brannon at Salinas Valley State Prison. Dr Brannon ordered a lot of tests and it was found that along with my back troubles, plaintiff has an AORTA aneurism and a pinched nerve.

VII

Plaintiff, was released to "A" yard and placed in a ADA cell. On 3/20/08 plaintiff was taken out of his ADA cell by Sgt. Galloway and placed in a smaller cell because Medical Staff did not give plaintiff the proper status on paper and plaintiff can not move around in the cell that he had before that he needs.

VIII

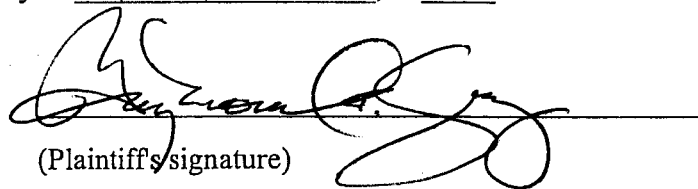
Defendants deliberate Indifference is so flagrant with no regard to plaintiff's life and living conditions. Plaintiff's wheel chair has been taken from him and given a smaller chair that doesn't work as good as the chair that plaintiff signed for.

Respectfully submitted


1 That plaintiff be awarded \$250,000.00 in
2 punitive damages and declaratory relief ordering
3 defendants to urgently treat plaintiff as soon as
4 possible.

7 I declare under penalty of perjury that the foregoing is true and correct.

9 Signed this 23rd day of March, 2008

10 
11
12 (Plaintiff's signature)

28
COMPLAINT

- 4 -

State of California

INMATE / PAROLEE APPEAL SCREENING FORM

Department of Corrections and Rehabilitation
CDCR-695INMATE: Crue CDC #: H-42586 CDC HOUSING: A3-142

THIS IS NOT AN APPEAL RESPONSE - THIS APPEAL IS EITHER REJECTED FOR ONE OR MORE REASONS NOTED BELOW OR RETURNED TO YOU TO ATTACH SUPPORTING DOCUMENTS.

YOUR APPEAL IS BEING RETURNED TO YOU FOR THE FOLLOWING REASON(S):

- | | |
|--|---|
| <input type="checkbox"/> Duplicate Appeal; Same Issue | <input type="checkbox"/> Limit of One Continuation Page May Be Attached |
| <input type="checkbox"/> Inappropriate Statements | <input type="checkbox"/> Action / Decision Not Taken By CDCR |
| <input checked="" type="checkbox"/> Time Constraints Not Met <u>3/7/08</u> | <input type="checkbox"/> DRB/BPH Decisions Are Not Appealable |
| <input type="checkbox"/> Cannot Submit On Behalf Of another Inmate | <input type="checkbox"/> No Significant Adverse Effect Demonstrated |
| <input type="checkbox"/> Numerous and separate issues | <input type="checkbox"/> Pointless Verbiage/Appeal is vague |
| <input type="checkbox"/> May Submit One (1) Non-Emergency Appeal Per Week | <input type="checkbox"/> Attempting to Change Original Appeal Issue |
| <input type="checkbox"/> Incomplete 602 | <input type="checkbox"/> Request for Interview; not an appeal |
| <input type="checkbox"/> Not Authorized to Bypass Any Level | <input type="checkbox"/> must attempt to resolve grievance informally through the informal appeals process by utilizing the appeals box located in the housing unit/ If there is no access to the appeals box in housing unit; submit during mail pickup on third watch |

PLEASE FOLLOW INSTRUCTIONS AND RETURN YOUR CDC 602 WITHIN 15 WORKING DAYS

Comments: You may write on back of this form to clarify or respond to the above.

- 2/20/08 S/C 9/12 - 9/27/07
- time constraints not met
 - limit of 1 continuation page (front: back)

Mr. Medina,

The California State Prisoner Handbook says I have one (1) year to file a staff Complaint D.O.M. 3390 (b). Also, what happens to me can not be put on 1 page, front and back. If you disagree could you please state that this concludes my administrative process of Complaint. Thank You

RET'D MAR 04 2008


Eloy Medina, CC-II
Appeals Coordinator

RECEIVED MAR - 6 2008

Date: _____

This screening action may not be appealed. If you allege the above reason is inaccurate, then attach an explanation on a separate piece of paper, or use the back of this screen out - do not write any more on the appeal itself. Please return this form to the Appeals Coordinator with the necessary information attached.

PERMANENT APPEAL ATTACHMENT - DO NOT REMOVE

CITIZEN COMPLAINT
PENAL CODE 832.5

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

INMATE/PAROLEE
APPEAL FORM

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

2.

2.

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
RAYMOND CRUZ	H-42586		A3-142m

A. Describe Problem:

It should be noted that there is a one (1) year time limit for the initial filing of appeals regarding employee misconduct (DOM § 3391 (b)). This Employee misconduct complaint is well within the time limit and regarding the following employees: Dr. KASAWA "A" yard Dr., Dr. Mack, "A" yard Dr.; Nurse Orman; Nurse "DAN"; John Doe Nurses 1-5 at "A" Facility Medical Clinic & John Doe R.N. at Central Treatment Center, Emergency Section; C/o Gr. LUNA "A" Facility Medical Clinic officer; C/o MUNGA; C/o Frisk; Mael

If you need more space, attach one additional sheet.

(CONTINUED on Supplemental)

B. Action Requested:

That CUSTODY AND MEDICAL STAFF BE INVESTIGATED AND TRAINED PROPERLY ON HOW TO TREAT INJURED AND/OR SICK individuals and not allowed to go without food. That I be compensated \$150,000.00 dollars for the deliberate Indifference and cruel and unusual punishment.

Inmate/Parolee Signature: [Signature]

RECEIVED FEB 25 2008

Date Submitted: 2/22/08

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

RECEIVED MAR - 2008

DELIVERED MAR 17 2008

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.), and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

BYPASS

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number



First Level ☐ Granted ☐ P. Granted ☐ Denied ☐ OtherE. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: 2/22/08Due Date: 4/8/08

Interviewed by: _____

Staff Signature: _____

Title: _____

Date Completed: _____

Division Head Approved: _____

Returned _____

Signature: _____

Title: _____

Date to Inmate: _____

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Second Level ☐ Granted ☐ P. Granted ☐ Denied ☐ Other _____

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: _____

Due Date: _____

☐ See Attached Letter

Signature: _____

Date Completed: _____

Warden/Superintendent Signature: _____

Date Returned to Inmate: _____

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

For the Director's Review, submit all documents to: Director of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION: ☐ Granted ☐ P. Granted ☐ Denied ☐ Other _____☐ See Attached Letter

Date: _____

SUPPLEMENTAL OF CITIZEN COMPLAINT

RAYMOND CRUZ, H-42586, A3-142L

.... Were, at the time Correctional Officers (C/Os) in building 2, Facility "A".

Three (3) John Doe's C/Os in administrative segregation (ad/SEG).

All the aforementioned C/Os and medical staff at that time were working and agents of the Salinas Valley State Prison and was under the direction of said Warden.

Appellant had been suffering from a chronic degenerative Disc. Disease for which he received morphine 105mg and gabapentin 1800 mg. a day. I had also been issued a cane. Approximately Two weeks before 9/12/07 all my medications had been discontinued because nurse Orman was angry at me because I filed a 602 appeal and as retaliation she told the Dr Kasawa that I was throwing away my pain medication (liquid morphine) which was not true. Dr KASAWA discontinued all my pain medication without the benefit of detoxing me, causing me not only to experience a lot of pain, but to go through withdrawals that made me throw-up and ache all over in addition to my back pain. Nurse "Dan" went around and told Dr Kasawa and C/Os that I was faking my injuries in spite of all the documentation in my medical file to the contrary.

On 9/12/07, I was walking on "A" yard with an inmate associate. At that time about 1:30 pm I started to feel pain in my back to the point of my legs giving in on me. I asked my

associate to help me over to the "A" yard medical clinic and advised the C/O Luna that I would like to talk to the Dr or Nurse about the pain I was experiencing. A nurse came out (she had no name tag visible) and I told her I needed to see the Dr. right away cause I felt as though I was going to fall down from the pain. The nurse stated, "Are you threatening me!?" I asked her how that was a threat and she walked away. The pain was so bad I had to sit down but the pressure from sitting down was worse so I had to lay on my side. I was allowed to lay there for approximately 2 hours without anything being done. After the yard was called in, I was first verbally attacked by custody staff saying things like "you don't have any balls!", Female Custody stated, "I've got more balls than you!", Statements were being said by Nurse "Dan" saying "He's faking, there's nothing wrong with him." Dr Kasawa came over and ordered an intra muscular shot of some unknown substance to me which did not alleviate the pain in any way. Two C/Os, one being C/O G. Luna, the other was not familiar to me tried to pick me up by the arms which was so painful to me it made me scream and cry. C/O Luna, then grabbed me by himself and tried to lift me and dropped me head on my rear and back. He then grabbed me by the front of my pants and the rear of my pants and lifted me roughly breaking my eye glasses and throwing me down hard in a wheel chair and rolling me back

to my cell (A2-102⁴) and did not assist me out of the wheel chair. I was told I would be written up for manipulation of staff to cover their behavior. I was also given a three day "lay-in". But I was not fed for those 3 days. I could not walk to the dining room due to the cruel and unusual treatment of Medical and Custody staff and I was not fed by C/O Munga, Maciel, or Frisk, because they said I did not have a lay-in, this "not feeding" went on until 9/25/07.

I wrote a k02 about my glasses and it was not responded too or it never left the building.

On 9/13/07 I was taken to CTC for X-RAYS but was never told what the outcome of X-RAYS. I was sent in a wheel chair.

I was never seen again by the doctor on A¹ yard again. From 9/12/07 - 9/24/07 I was not fed by C/Os Maciel, Munga, Frisk. and they were all made aware of the fact that I hadn't eaten.

My Glycane medication was not given to me after a request for more than 2 wks.

On 9/14/07 I was not given my medication because I could not get out of bed due to so much pain, and going through withdrawals. (Time 5:45 PM)

On 9/15/07, I experienced chest pains and used my last nitro pills and notified custody at 2:45 PM and it took medical staff to respond until 3:30 PM, because they said they (medical) waited until all the inmates ~~for~~ were put away that were on the yard.

On 9/17/07, I wrote an ADA appeal and sent it out in the mail regarding getting a wheel chair, but I never received a response because either it did not get out of the building or Medical ADA refused to response. I also saw a Dr Mack on "A" yard Clinic but he only ordered my Glycome medication and did nothing about my complaint to him that I didn't eat in 6 days because I didn't have a lay-in. that I couldn't talk to mess hall due to severe pain.

On 9/18/07 sent letters out to my family and Prison Law Office (PLO) about my problem. On 9/19/07 was not given my meals because I could not walk to my cell door due to severe pain.

On 9/20/07, I sent an "emergency appeal" about not being fed and no way to Mess hall, but it was put off to 10/10/07. Was able to sit in the dayroom in the morning.

On 9/24/07, % Maciel said, "You want to play that invalid role with me huh!" in response to my complaint to medical staff that I was not being fed by custody staff for lack of an lay-in.

I tried to go to dayroom but fell down because of my back pain. I was not examined by the doctor (Kasawa) he did nothing, said he would see me in two days. I told him the medication I was given by him was not helping my severe pain, but he did

nothing. I asked to see another doctor and that request was denied by him. I was on a gurney that was placed on a table in the "A" yard clinic and I was moved from the gurney by the clinic inmate worker (Porter). He lifted me, injuring me further, in the presence of Dr. Kasawa and Dr. Mack who was looking from the front dr's office.

My days and nights were very bad due to severe pain. I feel myself all this time by the candy and sweets I had in my locker.


On 9/26/07, I was put in administrative segregation for possession of a weapon that my cellmate had in his property. Custody staff was so angry at me about my complaints and 602^s I was found guilty although it was a fact that the weapon was found in my cellmate's property and I had nothing to do with it. It was appealed by me and it was granted. When I was received in ad/seg I was put on a property cart to move me from a cage to my assigned cell in ad/seg. I was made fun of by staff (custody) because I couldn't walk fast. I almost crawled to get around. Once in a while I was given a wheel chair.

On 9/27/07, I was put in a shower with a plastic chair that gave in and I injured myself, but was not taken to see the doctor. On 9/29/07, I was given yet another shower and I asked the % if the chair was changed and he said "yes" and when I sat down on it the chair gave in again and I injured myself again further. This time I had to be seen by a doctor at CTC. (DR. LEE)

He then ordered morphine 30 miligrams, 3xs a day and gabapentin. The morphine was given but not the gabapentin. It wasn't until the P.L.O. got involved and notified the attorney general regarding my case and continued to be interested that Dr Brannon went over with me my medical file and she saw the inconsistencies in my medical care and how it had been botched due to incompetent staff.

Dr Lee ordered my wheel chair for 6 months until surgery was done or at least until something can be settled. Dr Brannon ordered alot of tests and it was found that I had an Aorta aneurism and a pinched nerve also Degenerative Disc Diseases, Chronic. My medication has had to be raised further to stabilize my pain.

The deliberate indifference performed by Dr Kasawa by taking my pain medication causing withdrawal and severe pain. The Deliberate Indifference to my medical needs by Medical Staff, and Custody by picking me up without regard to the severe pain they were causing me and adding even more pain and in my opinion more damage. The Deliberate Indifference of Custody for not feeding me for more than 10 days is inexcusable. Also, the inexcusable behavior of ad/seg staff causing me to fall in the shower twice is definitely deliberate Indifference:

Respectfully


STATE OF CALIFORNIA

COUNTY OF MONTEREY

(C.C.P. SEC. 466 & 2015.5; 28 U.S.C. SEC 1746)

I, RAYMOND CRUZ declare under penalty of perjury that: I am the Plaintiff in the above entitled action; I have read the foregoing documents and know the contents thereof and the same is true of my own knowledge, except as to matters stated therein upon information, and belief, and as to those matters, I believe they are true.

Executed this 23rd day of MARCH, 20 08, at Salinas Valley State Prison, Soledad, CA 93960-1050.

(Signature)

DECLARANT/PRISONER

PROOF OF SERVICE BY MAIL

I, Raymond Cruz, am a resident of California State Prison, I the County of Monterey, State of California; I am over the age of eighteen (18) years and am/am not a party of the above entitled action. My state prison address is: P.O. Box 1050, Soledad, CA 93960-1050.

On MARCH 23, 20 08, I served the foregoing: CIVIL RIGHTS ACT COMPLAINT, 42 U.S. 1983

(Set forth exact title of document(s) served)

On the party(s) herein by placing a true copy(s) thereof, enclosed in sealed envelope(s), with postage thereof fully paid, in the United States Mail, in a deposit box so provided at Salinas Valley State Prison, Soledad, CA 93960-1050.

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, U.S. COURTHOUSE, 450 GOLDEN GATE AVE., SAN FRANCISCO, CA. 94102-3483

(List parties served)

There is delivery service by United States Mail at the place so addressed, and/or there is regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: _____, 20____

DECLARANT/PRISONER

Raymond Cruz, H-42588
SALINAS VALLEY STATE PRISON
P.O. Box 1050/A3-126
Salinas, Ca. 93960

CLERK OF:

RECEIVED

THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
450 Golden Gate Ave.
Box 36060
San Francisco, Ca.

MAR 31 2008

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LEGAL & Confidential Mail

94102

LEGAL MAIL ONLY